

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF OKLAHOMA

FILED  
AUG 14 2009  
WILLIAM B. GUTHRIE  
Clerk, U.S. District Court  
By Deputy Clerk

C2 Communications Technologies, Inc.,	)	NO. <u>CIV 09 - 314 - FHS</u>
	)	
Plaintiff,	)	
vs.	)	<b>COMPLAINT AND JURY DEMAND</b>
	)	
PAETEC Corporation; Matrix Telecom, Inc.;	)	
Windstream Corporation; and Telephone and	)	
Data Systems, Inc.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	
	)	

Plaintiff C2 Communications Technologies, Inc., brings this Complaint against defendants PAETEC Corporation, Matrix Telecom, Inc., Windstream Corporation, and Telephone and Data Systems, Inc., and would show as follows:

**I. PARTIES**

1. Plaintiff C2 Communications Technologies, Inc., is a Delaware corporation with its principal place of business at 505 E. Travis, Suite 205, Marshall, Texas 75670.

2. Defendant PAETEC Corporation, is a Delaware corporation with its principal place of business at 600 Willowbrook Office Park, Fairport, NY 14450.

3. Defendant Matrix Telecom, Inc., is a Texas corporation with its principal place of business at 7171 Forest Lane, Dallas, TX, 75230.

4. Defendant Windstream Corporation, is a Delaware corporation with its principal place of business at 4001 Rodney Parham Road, Little Rock, Arkansas 72212.

5. Defendant Telephone and Data Systems, Inc., is a Delaware corporation with its principal place of business at 30 North LaSalle Street, Chicago, Illinois 60602.

COMPLAINT AND JURY DEMAND

## **II. JURISDICTION AND VENUE**

6. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, including 35 U.S.C. § 271. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in the Eastern District of Oklahoma pursuant to 28 U.S.C. §§ 1391 and 1400(b).

## **III. COMPLAINT FOR PATENT INFRINGEMENT**

8. Plaintiff is the assignee of U.S. Patent No. 6,243,373 (the “’373 Patent”) (attached as Exhibit A), issued June 5, 2001, entitled “Method and Apparatus for Implementing a Computer Network Internet Telephone System.”

9. The ’373 Patent claims methods and systems for routing a full duplex telephone call between a first telephone set and a second telephone set using a public computer network, such as a portion of the Internet, as at least part of a communication link connecting said first and second telephone sets. In general, the patent claims relate to (1) receiving at a first computer network access port a first request for a telephone connection from a central office, the request having been placed from a first telephone set by dialing only the destination telephone number; (2) converting call data (such as voice and signaling) received from the central office to an Internet protocol; (3) establishing a link over a computer network that carries data for the public from the first computer network access port to a second remote computer network access port; (4) placing a second request for a telephone connection from the second computer network access port to the destination telephone over the traditional public switched telephone network (PSTN); (5) converting call data received from the public computer network from and Internet protocol to a PSTN protocol; and (6) connecting the first call, the communication link, and the second call to establish a communication link between the two telephone sets.

COMPLAINT AND JURY DEMAND

10. On information and belief, each defendant operates media gateway equipment that constitutes computer network access ports within the meaning of the '373 patent.

11. On information and belief, each defendant is using media gateways to connect calls between their landline telephone customers over converged computer networks on which they also carry general Internet data traffic.

12. Such "IP trunking" between media gateways over converged data networks constitutes infringement of one or more claims of the '373 patent.

**IV. JURY DEMAND**

13. Plaintiff demands a trial by jury on all issues.

**V. PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays:

(a) That this Court find that defendants have committed acts of patent infringement in violation of the Patent Act, 35 U.S.C. § 271;

(b) That this Court enter judgment that:

(i) Plaintiff is the owner of the '373 Patent and all rights of recovery thereunder; and

(ii) the '373 Patent is valid and enforceable;

(c) That this Court enter an injunction enjoining defendants, their officers, agents, servants, employees, and attorneys, and any other person in active concert or participation with them, from continuing the acts herein complained of, and more particularly, that defendants and such other persons be permanently enjoined and restrained from further infringing the '373 Patent;

(d) That this Court require defendants to file with this Court, within thirty (30) days after the entry of final judgment, a written statement under oath setting forth in detail the manner in which defendants have complied with the injunction;

COMPLAINT AND JURY DEMAND

(e) That the Court award plaintiff the damages to which it is entitled due to defendants' patent infringement with both pre-judgment and post-judgment interest;

(f) That defendants' infringement of the '373 Patent be judged willful and that the damages to plaintiff be increased pursuant to 35 U.S.C. § 284 by three times the amount found or assessed;


(g) That this be judged an exceptional case and plaintiff be awarded its attorneys' fees in this action pursuant to 35 U.S.C. § 285;

(h) That this Court award plaintiff its costs and disbursements in this action, including reasonable attorneys' fees;

(i) That this Court grant plaintiff all further relief to which it shall be entitled.

Respectfully submitted,

STIPE HARPER LAIZURE USELTON  
BELOTE MAXCEY & THETFORD

  
\_\_\_\_\_  
Eddie Harper  
OBA# 3878  
343 East Carl Albert Parkway  
PO Box 1369  
McAlester, OK 74502  
(918) 423-0421 Phone  
(918) 423-0266 Fax  
  
SUSMAN GODFREY, L.L.P.  
William C. Carmody  
Texas Bar No. 03823650  
(admission app. pending)  
654 Madison Avenue  
Fifth Floor  
New York, NY 10065  
Tel. (212) 336-8334  
Fax (212) 336-8340  
bcarmody@susmangodfrey.com

Ian Bradford Crosby  
Wash. St. Bar No. 28461  
(admission app. pending)  
1201 Third Avenue

COMPLAINT AND JURY DEMAND

Of counsel:

THE WARE FIRM  
Leslie D. Ware  
Texas Bar No. 00785179  
(admission app. pending)  
lware@thewarefirm.com  
Donald Puckett  
Texas Bar No. 24013358  
(admission app. pending)  
dpuckett@thewarefirm.com  
Mark W. Born  
Texas Bar No. 24034334  
(admission app. pending)  
mborn@thewarefirm.com  
201 Cedar Springs Blvd  
Suite 1900  
Dallas, Texas 75201  
Tel. (214) 744-5000  
Fax (214) 744-5013

WARD & OLIVO  
John W. Olivo, Jr.  
NY State Bar No. JO-3382  
John F. Ward  
NY State Bar No. JW-8012

Suite 3800  
Seattle, Washington 98101  
Tel. (206) 516-3861  
Fax (206) 516-3883  
icrosby@susmangodfrey.com

**ATTORNEYS FOR PLAINTIFF**

380 Madison Avenue  
New York, New York 10017  
Tel: 212-697-6262  
Fax: 212-972-5866  
olivoj@wardolivo.com  
wardj@wardolivo.com

COMPLAINT AND JURY DEMAND